



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Petitioner Dina Calvillo (Court Investigator, Superior Court of CA, County of Fresno)

Petition for Transfer

			GAIL HAIR and SHERYL MICHAEL , sisters, were appointed Successor Co-Conservators of the Person and Estate on 1/25/2008. Court Investigator filed a Petition for Transfer on 6/4/2015. ~Please see additional page~	NEEDS/PROBLEMS/COMMENTS: Notes: <ul style="list-style-type: none"> • Proof of Service by Mail of the Notice of Hearing filed 7/8/2015 shows Attorney Marvin Helon was served with notice and a copy of the <i>Petition for Transfer</i> on 7/8/2015, pursuant to the <i>Request for Special Notice</i> filed on 3/19/2008. • Minute Order dated 3/10/2009 states the Court has no questions and will grant the request to dispense with further accountings. The Court dispenses with further accountings unless the real property is sold. (Conservatee owns a 1/16th interest in undeveloped real property consisting of 24 acres in the outskirts of east Fresno.) • Pursuant to Probate Code § 2217(a), when an order has been made transferring venue to another county, the court transferring the matter shall set a hearing within two months to confirm receipt of the notification described in 2217(b). If the <i>Petition</i> is granted, Court will set a Status Hearing as follows: <ul style="list-style-type: none"> ◦ Wednesday, September 30, 2015, at 9:00 a.m. in Dept. 303 for confirmation of receipt of transfer.
Cont. from				
✓	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
✓	Sp.Ntc.	W/		
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LEG Reviewed on: 7/8/15 Updates: Recommendation: File 1 - Storey	

Probate Status Hearing Re: Failure to File a Petition for Final Distribution

DOD: 11-25-04	FRESNO COUNTY PUBLIC ADMINISTRATOR was appointed Successor Administrator on 11-28-06.	NEEDS/PROBLEMS/COMMENTS:
Cont from 041814, 052314, 111714, 011215, 012015, 030315	Background: PRESTON VAN CAMP , Grandson, in pro per, was appointed as Administrator with Full IAEA without bond on 4-12-05 and Letters issued 4-14-05. Pursuant to various Assignments of Interest, Preston Van Camp was also to be the sole beneficiary. I&A filed 8-11-05 indicated a total estate value of \$175,249.00 consisting of real and personal property.	Minute Order 3/3/15: Continued to 7/14/15 for further status.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	<p>On 11-28-06, Preston Van Camp was removed as Administrator and the Public Administrator was appointed as Successor Administrator.</p> <p>The former Administrator was ordered to file his final account and distribute to the Public Administrator. The former Administrator's account and later his amended account detailed various transactions, including granting an option to purchase the real property. The Public Administrator filed objections, and both the original account and the amended account were ultimately denied. According to the amended petition, all assets inventoried (real and personal property) remained on hand.</p> <p>On 11-5-07, the Court ordered the assets turned over to the Public Administrator and reserved the right to surcharge.</p> <p>There was no further activity in this case until 2-14-14 when the Court set this status hearing for failure to file a petition for final distribution.</p> <p>Status Report filed 2-26-15 by Public Administrator states the unlawful detainer has been filed, but it took significantly longer to serve Pamela Van Camp than usual with the complaint. She was finally served on 2-18-15. Ms. Van Camp filed an answer on 2-23-15 that was received by the Public Administrator on 2-25-15. Once the unlawful detainer proceedings have concluded, the Public Administrator anticipates the house will require significant debris removal and cleaning before it can be sold. The Public Administrator requests that the status hearing on the final account be set no sooner than 4 months.</p>	Reviewed by: skc Reviewed on: 7/8/15 Updates: Recommendation: File 4 – Van Camp

Probate Status Hearing Re: Filing of Third Account

		STEPHANIE LASSLEY , Mother, is Guardian of the Estate.	NEEDS/PROBLEMS/COMMENTS:
		The Guardian's Second Account was settled on 6/13/13 and the Court set this status hearing for the filing of the Third Account.	1. Need Third Account or status report pursuant to Local Rule 7.5.
Cont. from 051515			
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input type="checkbox"/>	Verified	<input type="checkbox"/>	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	
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<input type="checkbox"/>	Letters	<input type="checkbox"/>	
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: skc
			Reviewed on: 7/8/15
			Updates:
			Recommendation:
			File 6 - Lassley

Probate Status Hearing Re: Filing of Third Account

		STEPHANIE LASSLEY , Mother, is Guardian of the Estate.	NEEDS/PROBLEMS/COMMENTS: 1. Need Third Account or status report pursuant to Local Rule 7.5.
		The Guardian's Second Account was settled on 6/13/13 and the Court set this status hearing for the filing of the Third Account.	
Cont. from 051515			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skC
			Reviewed on: 7/8/15
			Updates:
			Recommendation:
			File 7 - Lassley

Petition for Instructions

DOD: 3-29-13		<p>MARK REIFF, Executor with full IAEA and bond of \$2,100,000.00, is petitioner.</p> <p>Petitioner states: The beneficiaries of the estate are Concordia Lutheran Church, Kingsburg, CA, Kingsburg High School, Fresno Chapter of the Arthritis Foundation, The Lutheran Hour, and the American Heart Association. Requests for Special Notice have been filed by Colleen Zanolitch (whose interest has been distributed), J. Stanley Teixeira, Esq., attorney for Scott Raven, American Heart Association, and State of California Franchise Tax Board (since withdrawn).</p> <p>The decedent owned a 50% interest in Levin & Carlson, a California General Partnership, and also owned title to 50% of the partnership land, as set forth on Corrected I&A #3 filed 1-23-15. The other partner is Marilyn Lungren. Both women inherited their interests from their parents. The terms of the partnership documents permit continuance of the business upon agreement between Petitioner and the surviving partner or dissolution of the partnership at the end of the crop year following the death of a partner.</p> <p>Petitioner's counsel periodically followed up with counsel for Ms. Lungren regarding the business, requesting reports, et al., required by the partnership documents if the business was to continue following the decedent's death. Ms. Lungren did provide certain information, including a nice letter dated 4-2-14, in which she notes that taxes are due in December 2014, giving the appearance that she intended for the partnership business to continue for a lengthy period of time.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 6/16/15:</u> Counsel requests 30 days to compelte the possible mediated settlement.</p> <p><u>Note:</u> The Order Settling Executor's First Account entered 12-8-14 authorized continuation of the administration for up to one year. A status hearing is set for 1-11-16 for the filing of the Second/Final Account.</p>
Cont from 020315, 031015, 051215, 061615			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
<u>SEE ADDITIONAL PAGES</u>			

Page 2

Petitioner states: The partnership is the lessor and Scott Raven is the lessee of that certain farm lease dated 12-1-02 (extension of prior 1993 lease) that expires in 2023 (Exhibit D). Complicated rights to purchase the real property are included in the referenced documents. The documents give Ms. Lungren the right to purchase the estate's interest in the partnership land. Scott Raven has a right of first refusal in the Farm Lease in the event the land is sold, but not if purchased by Ms. Lungren.

Earlier in 2014, communications occurred between Petitioner and Ms. Lungren and counsel regarding Ms. Lungren's intentions with respect to her right to purchase the decedent's interest. After a few months, Ms. Lungren proposed that she and Petitioner jointly market the real property. A price range was discussed in July 2014 between Petitioner and his counsel, Ms. Lungren and her counsel (Russell Wood, Esq.), and James Olivas, farm land specialist realtor.

Subsequently, Ms. Lungren and Petitioner agreed that an offer should be made to Scott Raven for purchase of the land for \$32,000/acre less 4% in lieu of a real estate commission. This is in the range of the FMV that Mr. Olivas had suggested. Mr. Wood sent a letter to Mr. Raven, copied to his attorney, J. Stanley Teixeira, on 8-5-14 communicating the offer to sell the partnership land (Exhibit E).

On 10-6-14, Mr. Teixeira transmitted a letter to Petitioner's counsel via email and mail informing her that Scott Raven and Charlyse Raven had purchased Ms. Lungren's interest in the partnership land for an undisclosed price. See deed purporting to convey interest at Exhibit F. The amounts of transfer taxes are not disclosed, concealing the amount of reported consideration for the purported transaction. Mr. Teixeira's letter also included an offer to purchase the estate's interest in the partnership real property for \$1,000,000.00.

To inform the Court, 241.9 acres at \$32,000/acre calculates to \$7,740,800; the estate's 50% share is \$3,870,400. On information and belief, the Probate Referee considers the lengthy lease to Scott Raven to be a detriment to value and appraised the land in the range of \$12,000/acre as of the decedent's death (3-29-13), severely discounting the value. The Probate Referee assigned a value of \$1,456,021 to the combined partnership land, \$12,021 of which was partnership cash.

To further inform the Court, the partnership documents prohibit sale of the partnership land by a partner without the consent of the other partner. Petitioner believes Ms. Lungren may have breached her fiduciary duties as partner by purporting to sell her interest in the land to Scott Raven and his wife, that the purported sale may be void or voidable and/or that Ms. Lungren may be liable to Petitioner and the estate by reason of her breach. From the information communicated to Petitioner by Mr. Olivas and others, Mr. Raven's proposal to purchase the estate's share of the partnership land is egregiously under market value.

Petitioner requests an order of this Court authorizing Petitioner not to proceed to sell the estate's interest in the partnership land as proposed by Mr. Raven.

SEE ADDITIONAL PAGES

Page 3

Petitioner states: Petitioner believes he has rights to partition the land and is informed that if Mr. Raven's purchase is valid, the consequence may be that his leasehold is extinguished, thereby relieving the partnership land of the burden of the lease on its value and tremendously increasing the value to the estate.

In the alternative, if the lease is valid, it disparages the value of the land, and Petitioner may be better served to wait until the lease expires in 2023 and then sue in partition. The charitable beneficiaries of the estate are better served by obtaining the earliest highest and best price on sale of the land, and are not well served by delayed distribution, however, waiting until the value is not adversely impacted by the lease is in the beneficiaries' best interest.

Petitioner alleges that as executor and on behalf of the estate, he may have valid claims against Ms. Lungren, Mr. Raven, and potentially others. Petitioner does not have the legal knowledge to evaluate all of these issues and requires advice of skilled legal counsel to act prudently in these circumstances on behalf of the estate and beneficiaries.

Petitioner therefore requests authority to engage his attorneys, Bryan Hinshaw, a professional corporation, to provide him with a thorough legal analysis of the current issues. Exhibit G is a proposed fee agreement and CV of attorneys Richard Bryan and Caroline Hinshaw. The attorneys have indicated that they cannot accommodate the foreseeable level of legal work required to complete an analysis and advise Petitioner as to next steps if payment of fees for their services will be deferred for a long time period.

Therefore, Petitioner requests that the Court authorize execution of the proposed fee agreement and payment for legal services billed at regular rates up to the sum of \$25,000.00 for Bryan Hinshaw to provide advice and guidance regarding the partnership and land. Petitioner understands that these legal services are separate from the decedent's estate and are to be accounted for separately. Both the legal services and the charges therefor in connection with the partnership land matters will be subject to subsequent Court review and can be reported periodically if the Court so wishes.

In addition, Petitioner is in a quandary regarding management of the partnership land in these uncertain circumstances. For example, County Tax Collectors will not accept partial payment of taxes. The portion purchased by Scott Raven will be reappraised for real property tax purposes. The estate should not incur the anticipated greatly increased real property taxes consequent to the reappraisal. Other issues include insurance, utilities, wells, etc. See declaration of J. Stanley Teixeira filed 11-24-14.

To avoid penalties, Petitioner has paid the first installment of the 2014-2015 real property taxes on the land pursuant to tax bills received and certain water district assessments. Pending resolution, Petitioner requests the Court authorize Petitioner to pay 50% of the expenses and costs associated with the estate's ownership of the land and require Scott Raven and Charlyse Raven to pay the other 50%. Upon the anticipated legal analysis and recommendations from counsel, Petitioner will develop a plan of action and may apply again to the Court for instructions or complaints for declaratory or other relief.

SEE ADDITIONAL PAGES

Page 4

Petitioner requests this Court to order that:

1. Executor is authorized to not proceed to sell Estate's interest in the partnership land as proposed by Mr. Raven;
2. Executor is authorized to execute the fee agreement in the form attached hereto as Exhibit G to engage Bryan Hinshaw as counsel and to pay the attorneys fees for legal services on invoice up to the amount of \$25,000.00 from the Estate, such legal services and the charges therefor to be subject to later review and approval by this Court;
3. Pending resolution of the issues, Petitioner requests the Order of this Court authorizing Petitioner to pay 50% of expenses and costs associated with the Estate's ownership of the subject land and requiring Scott M. Raven and Charlyse Raven to pay the other 50% of such expenses and costs; and
4. Such further order be made as the Court considers proper.

See also Memorandum of Points and Authorities in Support of Petition for Instructions filed 12-22-14.

Objection were filed by Scott M. Raven, along with Memorandum of Points and Authorities, on 2-23-15. Supplement to Objections was filed 2-27-15.

Objector states Marlyn Lungren sold her interest to Objector by Grant Deed dated 9-29-14, and Ms. Hinshaw was advised of the sale by letter dated 10-6-14. No response was received for two and a half weeks, evidenced by Ms. Hinshaw's letter of 10-24-14. At no time during the course of repeated inquiry about purchasing the estate's interest in the land did Mr. Reiff or his attorney provide any indication that sale of the land implicated partnership interests. Objector was a bona fide purchaser of Ms. Lungren's interest in the property and Chicago Title Company provided title insurance without reservation.

Objector has made offers for purchase of the estate's interest and stands willing to purchase the property and negotiate terms of sale. There are factors affecting the value which if not addressed immediately could result in serious economic damage to the estate. The plum trees on the property are at risk of being dead within six months or less. Due to continuing uncertainties and delays, Objector has now served Executor with a demand for immediate response to this situation by virtue of a letter form attorney Justin Campagne to Ms. Hinshaw.

Executor requests that he be authorized not to sell the estate's interest in the land as proposed by Objector. If this means specifically Objector's offer of \$1,000,000, it is irrelevant, as Objector has already confirmed his willingness to negotiate and will address the most recent appraisal. If the request is intended to bar any sale to Objector, then it is illogical as he is the most likely and logical buyer for the estate's one half undivided interest. Executor suggests waiting for the lease to expire before selling. This blissfully ignores the impact of projected drought conditions for the foreseeable future and lack of any guarantee the property will be worth the same or more at that time.

Executor requests authorization to enter into a fee agreement for extraordinary legal services up to \$25,000. This seems an unnecessary and exorbitant charge on the estate's resources given that Objector does not dispute the estate's ownership interest or his obligations under the lease.

SEE ADDITIONAL PAGES

Page 5

Objector states (Continued):

Petitioner requests the Court order Objector to pay 50% of the expenses and costs of the estate's ownership of the land. Objector, as a 50% owner of the land, is willing, has paid, and will pay 50% of expenses and costs associated with ownership, and as such, no order is necessary. Further, Objector, as a tenant, has paid rental proceeds as required under the terms of the lease, and has observed all terms and conditions and confirms obligations to the estate as a tenant.

In summary, Objector objects to the petition for instructions as irrelevant and unnecessary, causing undue expenses and protracted delay in estate administration, not to mention the risk to the estate posed by the glacial pace of response to the water/well matter. Objector has retained the services of Attorney Justin T. Campagne to evaluate potential action and remedy with respect to the apparent delay of the executor in addressing the water issues. Attorney Campagne has been in contact with Attorney Hinshaw, and is trying to ascertain whether any arrangements have been made by the executor for moving forward with drilling water wells. Attorney Campagne was informed that the Executor is in Israel for three weeks and his attorney has no means to communicate with him and cannot confirm whether the estate will replace the wells pursuant to the lease.

Despite repeated attempts to communicate regarding the urgency of this matter, Executor has been slow to respond and is now **incommunicado** (emphasis in original), though he is not in a third world country.

See Points and Authorities in support of Objection.

Attorney for Executor filed Memorandum of Points and Authorities in Response to Objection on 3-3-15. See document for details.

Status Report filed 6/10/15 by Attorney Hinshaw states a note memorandum settlement was reached, providing that Justice Dibiaso act as the informal binding dispute resolution neutral with respect to the settlement. The transaction contemplated by the settlement is scheduled to occur by 6/22/15. Ms. Hinshaw requests continuance of status hearing subsequent to that date in the hope that the status hearing will be rendered moot by a final settlement.

Status Report filed 6/11/15 by Attorney Teixeira states he sent an email on 6/8/15 inquiring whether any objections to the notice of proposed action had been received and informing that escrow would open upon receipt of the long form agreement. Email response indicated that she had not yet reviewed the agreement and would advise in a few days.

Guadalupe Samora (Estate)

Galindo, Lupe (Pro Per – Former Executor – Petitioner)

Kruthers, Heather H. (for Public Administrator – Current Personal Representative)

Amended First and Final Account and Report of Executor with Will, Amended Petition for Final Distribution

Case No.13CEPR00446

DOD: 1/28/13		LUPE GALINDDO , Niece and Former Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: On 3/4/15, Petitioner was removed as Executor and the Public Administrator was appointed as personal representative of the estate. The PA has since filed a Corrected Final Inventory and Appraisal reflecting a date of death value of the property of \$110,000.00 as well as a Reappraisal for Sale reflecting a current value of \$132,000.00. 1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on interested parties and parties who have requested special notice per Probate Code §1252: - Fresno County Public Administrator - Fresno County Counsel - California Department of Health Care Services - Probate Referee Steven Diebert 2. Petitioner had previously informed the Court that she was seeking a hardship waiver from DHS with regard to the creditor's claim. The Court may require information regarding the status of that request. 3. As previously noted, the estate is not in a position to close, as there does not appear to have been any provision made for payment of the creditor's claim, and Petitioner does not address whether notice of administration has been given to Franchise Tax Board pursuant to Probate Code §9202(c). 4. This estate was opened with a fee waiver. If assets are distributed pursuant to this probate, filing fees of \$870.00 will be due prior to distribution. Note: The Court will set a status hearing for the filing of the petition for final distribution by the Public Administrator as appropriate.
		Account period: 1/28/13-present Accounting: \$170,000.00 Beginning POH: \$170,000.00 Ending POH: \$170,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Executor (Statutory): Waives	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Petitioner is the sole heir of the estate pursuant to the decedent's will.	
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	Petitioner states she has paid the monthly mortgage payments of approx. \$400/month to Wells Fargo since the decedent's death from February 2013 to the present, 27 payments totaling \$11,200.00.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	The California Department of Health Care Services filed a creditor's claim in the amount of \$98,508.40 on 1/13/14 and has filed a Request for Special Notice.	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	x	
<input type="checkbox"/>	Order	x	
		Petitioner prays for an order that: 1. Administration be brought to a close; 2. This amended account be settled, allowed and approved as filed; 3. All acts and proceedings of petitioner as Executor be confirmed and approved; 4. Distribution be made to the persons entitled; and 5. Such further order be made as the court considers proper.	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	x	
Reviewed by: skc Reviewed on: 7/9/15 Updates: Recommendation: File 9 - Samora			

Probate Status Hearing RE: Agreement and Trial

DOD: 5/22/13	TERRI JEAN , Surviving Spouse and Administrator with Limited IAEA with bond of \$64,400, filed a petition for settlement of first account on 2/25/15, which was set for hearing on 4/7/15.	NEEDS/PROBLEMS/COMMENTS:
Aff.Sub.Wit.	RANDI POE , Daughter, filed Objection to Inventory; Petition to Establish Estate's Ownership of Real Property, and for Order Directing its Transfer to Estate under Probate Code §850 on 3/2/15, which was separately set for hearing on 4/7/15.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	Ms. Poe also filed an Objection to the Administrator's Account on 4/3/15.	
Aff.Pub.		
Sp.Ntc.	On 4/7/15, the matter was set for trial on 5/12/15 with a one-day time estimate.	
Pers.Serv.		
Conf. Screen		
Letters	On 5/12/15, the trial was vacated. Minute Order states parties are working on an agreement. The Court set a settlement conference for 5/19/15.	
Duties/Supp		
Objections		
Video Receipt	At settlement conference on 5/19/15, the Court set this status hearing and continued all pending matters to 7/14/15.	
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 7/8/15
		Updates:
		Recommendation:
		File 11 - Jean

13 Olivia M. Garcia (CONS/PE)
Atty Brownson, Maria Begonia (pro per – Conservator of the Person)
Atty LeVan, Nancy J. (Court Appointed for Conservatee)
Atty Kruthers, Heather (for Public Guardian – Conservator of the Estate)

Case No. 14CEPR00275

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 12/19/14	<p>On 06/25/14, MARIA BEGONIA BROWNSON, daughter, was appointed as Conservator of the Person and PUBLIC GUARDIAN, was appointed as Conservator of the Person.</p> <p>Letters were issued to Maria Begonia Brownson on 07/23/14 and to the Public Guardian on 07/25/14.</p> <p>Minute Order from 06/25/14 set this matter for status regarding filing of the Inventory & Appraisal.</p> <p>Inventory & Appraisal, partial no. 1 filed 11/13/14 - \$421,000.00</p> <p>Status Report Regarding Filing First & Final Account filed 04/02/15 states: The conservatee died on 12/19/14. The Public Administrator has filed a petition for probate for the conservatee's estate (15CEPR00251), which will be heard on 04/22/15. Once the petition is approved, the Public Guardian will be in a position to complete the schedules and other documents for the final account. To allow time for the estate hearing and for the preparation and filing of the final account, it is respectfully requested that this matter be set out another 90 days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 04/07/15</u></p> <p>1. Need Final Inventory & Appraisal.</p> <p>Notes: Partial I & A was filed 11/13/14. First and Final Account of Conservator was filed 06/15/15 and is set for hearing on 07/21/15, however, no Final Inventory & Appraisal has been filed and it does not appear that anything has been filed indicating that the Partial I & A filed 11/13/14 contains all of the assets of the estate. Need clarification and/or Final Inventory & Appraisal.</p>
Cont. from 102814, 012715, 040715		
Aff.Sub.Wit.		
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Inventory		
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Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 07/08/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 13 – Garcia</p>

15 In Re: The Kermit F. Fish and Rosalie J. Fish Revocable Living Trust Agreement dated 10/25/1993; Trust A-the Survivor's Trust; Trust B-the Family Trust Case No. 15CEPR00402

Attorney Nahigian, Eliot S. (for Petitioners Phillip F. Fish and Andrea K. Fritzen)
Attorney Adams, Jon P. (for Objector Joseph F. Fish)

Petition to Remove a Co-Trustee and Appoint Successor Trustee; for Instruction to Trustee to Reimburse Income Tax Payments, Remedy a Breach of Trust, Pay Accountant, Withdraw Certificates of Deposit, and Distribute Trust Estate

Kermit F. Fish DOD: 8/18/03	<p>PHILLIP F. FISH and ANDREA K. FRITZEN are Petitioners.</p> <p>Petitioners state: Kermit F. Fish and Rosalie J. Fish established the Kermit F. Fish and Rosalie Revocable Living Trust on 10/25/93, amended 12/4/95. Upon the death of Kermit Fish on 8/18/03, the trust was divided into two sub-trusts: a revocable Survivor's Trust (the Rose Fish Trust), and the irrevocable Family Trust. Rose Fish amended the Rose Fish Trust on 6/21/07.</p> <p>The Co-Trustees of the Family Trust are PHILLIP F. FISH and JOSEPH F. FISH.</p> <p>The Co-Trustees of the Rose Fish Trust are PHILLIP F. FISH, ANDREA K. FRITZEN, and JOSEPH F. FISH.</p> <p>The Family Trust assets were distributed in equal shares to the beneficiaries on or about 1/22/15.</p> <p>Rose Fish had a general power of appointment over the Rose Fish Trust, and if not exercised, then the unappointed principal was to be added to the Family Trust upon her death.</p> <p>The Rose Fish Trust assets were not distributed to the Family Trust.</p> <p>As of 12/31/14, the assets of the Rose Fish Trust included various accounts totaling \$418,843.18, plus the contents of a Safe Deposit Box and various coins found in the Rose Fish Piano.</p> <p>Petitioners state they have requested that the Rose Fish Trust be distributed. Co-Trustee JOSEPH F. FISH has refused to make distribution. Under Probate Code § 15620, unanimous action is required by the co-trustees.</p> <p><u>SEE ADDITIONAL PAGES</u></p>	NEEDS/PROBLEMS/COMMENTS:				
Rosalie J. Fish DOD: 8/2/14						
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<input type="checkbox"/> CI Report						
<input type="checkbox"/> 9202						
<input checked="" type="checkbox"/> Order						
<input type="checkbox"/> Aff. Posting						
<input type="checkbox"/> Status Rpt						
<input type="checkbox"/> UCCJEA						
<input type="checkbox"/> Citation						
<input type="checkbox"/> FTB Notice						
<table border="1"> <tr> <td>Reviewed by: skc</td> </tr> <tr> <td>Reviewed on: 7/8/15</td> </tr> <tr> <td>Updates:</td> </tr> <tr> <td>Recommendation:</td> </tr> <tr> <td>File 15 - Fish</td> </tr> </table>		Reviewed by: skc	Reviewed on: 7/8/15	Updates:	Recommendation:	File 15 - Fish
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Updates:						
Recommendation:						
File 15 - Fish						

Petitioners state: Except for accounting fees owed to CPA Jim G. Sabbatini and income taxes, all creditors of Rose Fish, the Rose Fish Trust, and the Family Trust have been paid, and the trusts are in a condition for distribution. Mr. Sabbatini provided an estimate of the income taxes due for Rose Fish's 2014 income tax returns and on 3/13/15, a letter and email were sent to Jon Adams, attorney for Joseph Fish, informing him of the Federal and California combined liability of \$13,000.00. Mr. Sabbatini timely prepared vouchers for automatic extensions of time to file. Petitioners had a letter prepared to Wells Fargo Advisors from all three co-trustees with instructions to prepare checks for the tax payments. Joseph Fish did not sign the letter of instruction and Wells Fargo Advisors did not issue the checks for the tax payments.

On 4/6/15, Mr. Sabbatini computed the extension payments and Petitioners advanced two-thirds of the extension payments and now each of them seeks reimbursement from the Rose Fish Trust for the Federal income tax payment of \$3,169.00 and the California income tax payment of \$787.00. Advancement by the co-trustees and reimbursement is allowed under the terms of the trust.

Breach of Trust: Petitioners state the failure of Joseph F. Fish to agree to distribution and to sign the letter of instruction and make the payments of income taxes constitute a breach of trust including breach of duty to administer the trust according to its terms and the duty of loyalty. All three remainder beneficiaries have been damaged by the actions of Joseph F. Fish including legal fees of \$5,063.50 for filing this petition and \$3,620.00 for legal work in connection with the payment of income taxes. See Exhibits F and G. Petitioners request the court remedy this breach by paying \$8,683.50 from the trust estate to Coleman and Horowitz, LLP.

Further, Petitioners request the court remedy the breach of trust by removing Joseph F. Fish as a co-trustee of the Rose Fish Trust and as a co-trustee of the Family Trust.

Under the terms of the Rose Fish Trust pursuant to the Second Amendment, upon the resignation, incapacity or death of any of the co-trustees, the remaining individuals shall serve as trustees. Petitioners requests that they be appointed as the Co-Trustees of the Rose Fish Trust.

Under the terms of the Family Trust pursuant to the First Amendment, upon the resignation, incapacity, or death of a co-trustee, then the remaining individual shall serve as sole trustee. Petitioners request that Phillip F. Fish be appointed sole trustee of the Family Trust.

Accounting Fees: Mr. Sabbatini has submitted invoices totaling \$3,295.00 that have not yet been paid, and has also provided accounting services in connection with preparation of an informal accounting totaling \$600.00. An estimated final accounting bill is \$1,450.00. Mr. Sabbatini seeks a total payment of \$5,345.00.

SEE ADDITIONAL PAGES

Petitioners pray for the following:

1. An order removing Joseph F. Fish as a co-trustee of the Rose Fish Trust;
2. An order appointing Phillip F. Fish and Andrea K. Fritzen as co-trustees of the Rose Fish Trust;
3. An order removing Joseph F. Fish as a co-trustee of the Family Trust;
4. An order appointing Phillip F. Fish as sole trustees of the Family Trust;
5. An order instructing Phillip F. Fish and Andrea K. Fritzen as co-trustees of the Rose Fish Trust to:
 - a. Reimburse Petitioners \$3,169 each for the amounts advanced for extension payments on federal income taxes and \$787 each for California income taxes for Rose Fish for 2014;
 - b. Pay \$8,683.50 to Coleman & Horowitz, LLP to remedy a breach of trust in connection with failing to make distribution of the Rose Fish Trust and to remedy a breach of trust in connection with income tax returns and extensions;
 - c. Pay Jim Sabbatini \$5,345 for accounting services;
 - d. Completely withdraw the CDs of the Rose Fish Trust held at EECU;
 - e. Distribute the balance of the Rose Fish trust estate to Phillip F. Fish as trustee of the Family Trust;
6. An order instructing Phillip F. Fish as sole trustees of the Family Trust to:
 - a. Retain a reserve for closing expenses of \$9,000.02 and to distribute the balance of the reserve account equally to the beneficiaries without further court order;
 - b. Distribute the trust estate of the Family Trust, including additions from the Rose Fish Trust, to the persons entitled thereto;
7. For costs herein; and
8. For such other orders as the Court deems proper.

Update: Objection filed 6/30/15 by Co-Trustee Joseph F. Fish states Petitioner's motion should be denied. Petitioner filed a Reply to the Objection on 7/7/15.

SEE ADDITIONAL PAGES

Objection provides history and states that during the course of their combined efforts to resolve unpaid bills and determine the full extent of the financial holdings, communications and cooperation between the three siblings reached an impasse after approx. \$75,000 had been cooperatively distributed. The CPA who handled the personal and trust tax returns indicated that approx. \$341,000 had been spent providing care for their mother. Objector requested the cooperation of his siblings in obtaining full financial disclosure pertaining to expenses actually paid, expenses that remained unpaid, and locating additional undisclosed assets. Each time, Joseph was told not to worry about it, and was denied. Eventually, counsel for each side became involved.

The parties struck an informal agreement whereby Joseph was to receive the cooperation of his siblings by their signing financial authorizations to allow him to obtain copies of the records for the pertinent time frame at his own expense. In exchange, the entirety of the holdings in Trust B were distributed. However, as soon as Trust B was distributed, Petitioners advised they would not cooperate as previously indicated until distribution of Trust A was completed.

Objector contacted numerous institutions and has confirmed a previously undisclosed CD in excess of \$18,000, a CalSTRS death benefit in excess of \$5,000, and the existence of several other accounts for which information was not released because Objector was not named on the account. Objector hired a forensic accountant to review the limited information obtained. A number of discrepancies resulted in Objector filing **Fresno County Superior Court Case No. 15CECG01222** against Andrea K. Fritzen alleging negligence, financial elder abuse, fraud deceit, conversion and breach of fiduciary duty. Petitioners responded by filing this petition.

See Objection for specific disputed issues. Objector states the Court should maintain the status quo pending financial investigation. There is no risk of assets losing value, and nearly \$2.5 million has already been distributed equally between the three adult siblings. There would be no prejudice to the parties for this Court to order the status quo be maintained until further hearing on or about 9/15/15. By that time, Objector will have obtained the missing financial documents and the forensic CPA will have had time to evaluate the records to determine the propriety of questionable financial transactions and report back to this court accordingly.

Reply filed 7/7/15 addresses the disputed issues identified in the Objection including accounting fees, distribution, and tax payments, and requests the Court order distribution as prayed.

Status RE: Receipt for Blocked Account

		<p>TIFFANY-LIN DIRECTO, Mother, was appointed Guardian of the Estate on 6/16/15 without bond, funds to be placed into a blocked account.</p> <p>At the hearing on 6/16/15, the Court set this status hearing for the filing of the receipt for blocked account.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need receipt for blocked account or written status report pursuant to Local Rule 7.5.</p>
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 7/8/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 - Directo</p>	

Status RE: Receipt for Blocked Account

18

Petitioner Emery, Debra M. (pro per – daughter)

Petitioner Wadford, Regina (pro per – daughter)

Amended Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 06/23/09		DEBRA EMERY and REGINA WADFORD, daughters, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	OFF CALENDAR Amended Petition filed 07/07/15 and set for hearing on 08/13/15
Cont. from 051215, 6/16/15, 063015		No other proceedings.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	I & A – not attached to Petition.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Will dated – not attached to the Petition.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 07/08/15
			Updates:
			Recommendation:
			File 23 – Taylor

Petitioner Gilbert R. Chavez Jr. (Pro Per – Step-Father – Petitioner)

Petitioner Amy Nicole Chavez (Pro Per – Wife of Step-Father – Petitioner)

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing and proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) on: - Vanessa M. Vasquez (Mother)	
Cont. from 060915, 070715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			x
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
		Reviewed by: skc Reviewed on: 7/8/15 Updates: Recommendation: File 25 - Vasquez		

Petitioner Pereira, Mayra (pro per – maternal great-grandmother)

Petitioner Hernandez, Mayra A. (pro per – maternal aunt)

Status Re: Additional Visitation Orders

Abigail, 1	<u>TEMPORARY EXPIRES 08/25/15</u>		NEEDS/PROBLEMS/ COMMENTS:
Deborah, 7 mos.	<u>GENERAL HEARING: 08/25/15</u>		
	MAYRA PEREIRA and MAYRA HERNANDEZ,		Parties are Spanish speaking.
	maternal aunt and maternal grandmother,		
	petitioned to be appointed as Temporary and		
	General Guardians of the minors on 06/25/15.		
Cont. from 070715			
<input type="checkbox"/> Aff.Sub.Wit.			
✓ Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
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<input type="checkbox"/> Aff.Pub.			
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<input type="checkbox"/> Pers.Serv.	x		
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✓ Letters			
✓ Duties/Supp			
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✓ Order			
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✓ UCCJEA			
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<input type="checkbox"/> FTB Notice			
			Reviewed by: JF
			Reviewed on: 07/08/15
			Updates:
			Recommendation:
			File 26 - Moran